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#### REMARKS—General

By the above amendment, applicant has rewritten all claims to define the invention more particularly and distinctly so as to define the invention patentably over the prior art.

#### The Rejection of Claims 4 and 7 on Ramm Overcome

The Office Action rejected independent claims 4 and 7 on Ramm. The O.A. stated, "Claims 4, 7-9 were rejected based under 35 USC 102 as being anticipated by Ramm et al (5826595)." Claims 4 and 7-9 have been rewritten to define patentably over this reference.

The O.A. notes that Ramm's method consists of the following:

- a) wearing an absorbent glove on a person's hand
- b) using a glove to manipulate wet hair on a person's head
- c) absorbing moisture from the wet hair into the glove while the glove is being used to manipulate the hair
- d) applying hot air to the wet hair to dry while the glove is manipulating the wet hair
- e) manipulating the wet hair to produce curls
- f) closing the fist of the hand wearing the glove around the wet hair to curl the wet hair into curls

However, in general, the method Ramm employs with their type of glove would not produce the same result. Applicant will discuss the reference and the novelty of the present invention and its unobviousness over the reference below:

- 1) The language distinguishes over Ramm under Section 102 because Ramm's glove is form-fitting with standard sized fingers and applicant's glove is loose-fitting, extra-wide and webbed between the fingers.
  - a) Applicant's Claim 1 states, "A method of styling a person's hair with a webbed, loose-fitting glove comprising..."
- 2) The webbed glove's main purpose is to *cup* not manipulate specifically created sections of wet hair. This allows the sections to be *cupped* (as seen in Fig. 3 of applicant's invention) in the webbed glove as the air is drying it, thus providing stability for the sections of hair. Ramm states their method involves

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"manipulating the hair" and further describes that manipulation as the forming of a fist that is then pulled through the hair.

- 3) The applicant's glove is used as a backdrop so the hot air does not disturb the newly formed shape in the hair. Through this specifically created method of "cupping," the hair does not fly around as the hot air is applied. When hair flies around as it is being dried, frizziness occurs. Ramm describes their technique as a way to "fluff the hair during the drying process." This "fluff" is what many hair stylists and the general public, consider frizz. That is why so many become frustrated with the typical "scrunching" process as described by Ramm. The applicant's method is designed to create a specific style, while eliminating frizziness.

- a) Applicant did extensive research and studies this past year with hair stylists as to the cause of the frizzy, out of control hair. It was concluded through the applicant's research, as well as defined in published works (i.e. hair styling books and magazines) that the method Ramm employs of "fluffing" the hair creates uncontrollable and undefined hair. Hence the reason the applicant's method is so important.

- 4) The method the applicant has created involves leaving the hand open with a slight curvature of the hand and fingers so the hot air may be applied directly into the palm area of the hand. Ramm's method involves primarily using the glove to dry the hair and using a closed fist, which makes it impossible for the hot air to dry the hair in the glove.
- 5) The webbed glove is designed so the hair cannot slip through the fingers. Therefore, when the cupping action occurs, it allows the sections of hair to be shaped altogether in the glove. Ramm's glove does not have that design; therefore, when their method is employed, the hair strands can be caught between the fingers of the closed fist causing them to dry without being curled in the fist with the rest of the strands of hair.

In conclusion, the basis of the applicant's method includes a person wearing the webbed glove using an open hand, which gently cups sections of hair as they are drying, thus stabilizing the shape and preventing it from blowing around or out of the

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glove when air is applied. Applicant's cupping method, according to claim 4, provides a soft, natural look, which prevents the hair from becoming frizzy. Hair becomes frizzy when it is scrunched in a fist repeatedly or when air is applied to the hair without a cupping backdrop as stated in claim 7.

**The Dependant Claims 8 and 9 are A Fortiori Patentable Over Ramm and Kuwahara**

Dependant claims 8 and 9 incorporate all the subject matter of claim 7 and add additional subject matter, which makes them a fortiori and independently patentable over these references. However, claims 8 and 9 were rewritten to define patentably over these references, and any combination thereof in respect to the amended claim 7.

**The Dependant Claims 5 and 12-16 are a Fortiori Patentable Over Ramm and Skaryd**

Dependant claims 5 and 12-16 incorporate all the subject matter of claims 4 and 7 and add additional subject matter, which makes them a fortiori and independently patentable over these references. However, claims 5 and 13-16 were rewritten to correspond with the amended claims 4 and 7. Applicant requests reconsideration of these rejections, as now applicable for the following reasons:

- 1) Claim 12 is cancelled in view of the coverage afforded by the remaining claims.
- 2) Claims 5 and 13 are amended to include having wet hair rather than clean, shampooed hair, which differentiates it from Skayrd. Applicant's method works with or without clean hair. Skayrd's method requires cleaning the hair because the oils in the hair can interfere with Skayrd's method of elongating the hair by adding artificial hair to a person's head.
- 3) Claim 5 and 14 are amended to include separating the hair into sections rather than leaving them in clumps. Applicant's method includes separating the wet hair into random sections so that it can be easily cupped and shaped in the glove. Skaryd separates a defined amount of "20-150 single, dry, head-hairs."
- 4) Claim 15 is amended to include creating a shape with sections of hair. The distinctions of applicant's claim should be submitted to be of patentable merit

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under Section 103 because Ramm does not show nor describe the glove being used as cupped backdrop for shaping defined sections of hair.

**The Dependant Claims 10 and 11 are A Fortiori Patentable Over Ramm and Tsujino**

The O.A. rejected dependent claims 10 and 11 on Ramm and Tsujino. Dependant claims 10 and 11 incorporate all the subject matter of claim 7 and add additional subject matter, which makes them a fortiori and independently patentable over these references.

However, claims 10 and 11 have been rewritten to define patentably over these references, and any combination thereof in respect to the amended claim 7. Applicant requests reconsideration of these rejections, as now applicable for the following reasons:

- 1) Applicant's claim 10 was narrowed specifically to include a *temporary* fixing agent. The fixing agent used in Tsujino is for "permanent wave treatment." The applicant's method uses a temporary fixing agent that can be washed out with shampoo or water. The temporary fixing agent would have to be reapplied each time the applicant's method was used.
- 2) Applicant's claim 11 is not implied in Ramm. The focus of the applicant's method is to style sections of wet hair. Ramm's patent focuses on the speed of drying the hair. By combining the applicant's described method with Ramm's, the hair would take a lot longer time to dry. Therefore, it is not obvious to one using the glove for the purpose of drying hair quickly to employ a technique that would extend the length of drying time considerably.

**The Rejection of Claims 6 and 17-19 on Ramm, Skaryd and Tsujino**

The O.A. rejected dependent claims 6 and 17-19 on Ramm, Skaryd and Tsujino.

Dependant claim 6 incorporates all the subject matter of claim 4 and adds additional subject matter, which makes them a fortiori and independently patentable over these references. Dependant claims 17-19 incorporate all the subject matter of claim 7 and add additional subject matter, which makes them fortiori and independently patentable over these references. However, claims 6, 17 and 18 have been rewritten to define patentably over these references, and any combination thereof in respect to the amended claims 4 and 7.

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### **The Rejection of Claims 1-3 on Ramm and Kuwahara Overcome**

The O.A. rejected independent claim 1 and dependant claims 2 and 3 on Ramm and Kuwahara. Claim 1 has been rewritten to define patentably over these references, and any combination thereof. Applicant requests reconsideration of this rejection, as now applicable to claim 1, for the following reasons:

- 1) There is no justification, in Ramm and Kuwahara, or in any other prior art separate from my disclosure, which suggests that these references be combined, much less combined in the manner proposed.
- 2) Even if Ramm and Kuwahara were to be combined in the manner proposed, the proposed combination would not show all the novel physical features of claim 1.
- 3) These novel physical features of claim 1 produce new and unexpected results and hence are unobvious and patentable over these references.

In regards to claims 1-3 it states that "Ramm et al discloses an absorbent glove comprising a forehand area, a backhand area, a plurality of fingers, at least a portion of the glove having an outer layer of absorbent material and another layer of impermeable material (waterproof)...Kuwahara discloses a towel glove comprising an insulated material..."

The following is in regards to rejections claims 1-3. The rejection of claim 1 involves the obviousness of combining two separate and quite different patents. The rejections of claim 2 and 3 involve the obviousness of the length of the fingers. Here are reasons for the specific design of the glove and what differentiates it from Ramm and Kuwahara and why applicant's claims should be patentable under Section 103:

- 1) The applicant's glove has shorter fingers because the extra material is needed between each finger to contain the hair when air is applied, thus giving it a webbed liked appearance. Ramm has separated fingers because of the drying method of their glove. Whether Ramm is using their glove to pull the hair apart (allowing the air to help dry each piece faster) or using the fingers for straightening the hair, it evident those actions would be extremely difficult if not impossible to achieve with shortened fingers.

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- 2) As opposed to Ramm, the fingers aren't of extreme importance when the applicant's styling method is applied. Because the material on the fingers is connected to the larger portion of material covering the hand, the fingers main purpose is to help create a wide, cup figure with the glove.
- 3) The inner layer of fibers is needed so the hair lying on the outer layer of fibers does not stay wet. It also prevents the hand from feeling the heat if hot air is applied.
- 4) Applicant's glove is designed specifically for hair. Kuwahara's patent is applicable for the body. Kuwahara also specifies using terry cloth. Terry cloth is made of many small loops of material and when incorrectly applied to hair, can cause the hair to frizz. Applicant's glove's method and design helps prevent frizziness.
- 5) Applicant's glove can only use thin, malleable material in order to allow the hand to maneuver and create a comfortable backdrop. Kuwahara uses a foam material. That material would not work with applicant's product because it cannot be cupped by the hand as easily and held in that type of shape for long periods of time comfortably.

In general, as for the obviousness of combining these two the following reasoning applies:

- 1) These references are each individually complete in themselves and there would be no reason to add or substitute parts to any reference.
- 2) Ramm's patent focuses on drying wet hair (cosmetology) and Kuwahara's patent focuses on wiping perspiration off of runners, exercise enthusiasts and other active persons (athletics).
- 3) Cosmetology and athletics are completely different fields and would not be obvious to one having an ordinary skill in their specific art at the time of invention to seek out information from such a different field of art.
- 4) These prior-art references do not state anything specifically nor suggest any combining of their claims.

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**The Dependant Claims 2 and 3 are a Fortiori Patentable Over Ramm and Kuwahara**

Dependant claims 2 and 3 incorporate all the subject matter of claim 1 and add additional subject matter, which makes them a fortiori and independently patentable over these references.

**Secondary Considerations**

**Applicant has evidence of the following considerations:**

- 1) Recognition by top magazines in the beauty industry.
  - a) Vogue (April 2005)
  - b) Sophisticate (March 2005)
- 2) Recognized and promoted by hair and beauty websites.
  - a) [www.naturallycurly.com](http://www.naturallycurly.com)
  - b) [www.fasion18.com](http://www.fasion18.com)
- 3) Received purchase and licensing offers from 5 top companies in the beauty industry.
- 4) Accepted an offer from an established multi-million dollar company who manufactures and distributes the product.
- 5) Currently being sold by some of the top distributors in the salon wholesale and resale industry.
- 6) Currently have offers from both QVC and HSN (home shopping channels) to sell on their channels.
- 7) Received praise and recognition from top leaders in the salon industry (top stylists in Hollywood and world-renowned salons).
- 8) Sold out at every cosmetology trade show attended (over 10 this past year).

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### CONCLUSION

For all the above reasons, I submit that the claims are now in proper form, and that the claims all define patentably over the prior art.

Therefore, I submit that this application is now in condition for allowance, which action I respectfully solicit.

### Conditional Request for Constructive Assistance

I have amended the claims of this application so that they are proper, definite, and define novel structure, which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, I respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 2173.02 and § 707.07 (j) in order that I can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully,

  
Catherine Gifford

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**Certificate of Facsimile Transmission.** I certify on the date below I will fax this paper (including Appendix) to GAU 3732 of the U.S. Patent and Trademark Office at 703-872-9306.

2005 June 18

